

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
NOVEMBER 10, 2005

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control ("EQC").
- II. **SUBJECT:** Administrative and Consent Orders issued during the period September 1, 2005, through September 30, 2005.
- III. **FACTS:** For the period September 1, 2005 through September 30, 2005 EQC issued twenty-four (24) Consent Orders with total assessed civil penalties in the amount of \$89,490. There were four (4) Administrative Orders placed in force during the reporting period with a total assessed penalty of \$28,617.

Unless otherwise specified, "Previous Orders" as listed in this report include orders issued by Environmental Quality Control programs within the last five (5) years.

<u>Bureau</u>	<u>Administrative Orders</u>	<u>Assessed Penalties</u>	<u>Consent Orders</u>	<u>Assessed Penalties</u>
Land & Waste Management				
Hazardous Waste	0	\$ 0	0	\$ 0
Solid Waste	0	0	7	21,500.00
UST Program	4	28,617.00	1	400.00
SUBTOTAL	4	28,617.00	8	\$ 21,900.00
Water*				
Drinking Water	0	\$ 0	6	\$ 2,340.00
Water Pollution	0	\$ 0	8	63,750.00
SUBTOTAL	0	\$ 0	14	\$ 66,090.00
Air Quality				
SUBTOTAL	0	\$ 0	2	\$ 1,500.00
TOTAL	4	\$28,617.00	24	\$ 89,490.00

*During the reporting period, Drinking Water Enforcement and Water Pollution Enforcement issued one (1) Joint Consent Order. Water Pollution Enforcement was credited with the Joint Order.

ANALYSIS: During the reporting period, Underground Storage Tank Enforcement issued an Administrative Order that was not appealed and consequently placed in force against

Respondent, J. W. Jacobs, owner of Johnny's Truck Stop, located in Darlington County, South Carolina. The tanks are out of use and almost empty at this facility. The facility also has two active releases with free product. The Respondent has failed to demonstrate financial responsibility and failed to provide records to the Department upon request. A civil penalty in the amount of \$5,550.00 was assessed. Clean up cannot be funded from the SUPERB Account while an owner owes fees or penalties and as a result, this case has been forwarded to the Office of General Counsel for further action.

Solid Waste Enforcement entered into 3 Consent Orders with 3 Respondents for failing to package a shipment of radioactive waste to the Chem-Nuclear disposal facility in Barnwell, South Carolina in a manner to prevent the release of radioactive waste into the shipping container. A small piece of metal was found in the shipping container packaged by Respondent Nebraska Public Power District/Cooper Nuclear Station, which presented the potential for additional radiation exposure to the onsite personnel. The waste was packaged and disposed of onsite. A civil penalty was assessed in the amount of \$5,000.00. Studsvik Processing Facility, L.L.C. (Respondent) left a small amount of loose debris in the package, which presented no harm to the environment or onsite personnel. The debris was packaged and disposed of onsite. A civil penalty was assessed in the amount of \$1,000.00. The third Respondent, RACE, L.L.C., not only failed to properly package, but did not secure or manifest a shipment of 3 containers of radioactive waste. The Respondent's permit was suspended for 30 days and a civil penalty in the amount of \$8,000.00 was assessed. The Respondent's permit has been reinstated.

Drinking Water Enforcement and Water Pollution Enforcement entered into a Joint Consent Order against Jim Thigpen (Respondent) owner of Lake Marion Mobile Home Park/Big Water Campground II located in Clarendon County, South Carolina. The Respondent violated the State Primary Drinking Water Regulations and Standards for Wastewater Facility Construction as follows: failure to obtain a permit prior to constructing a public water system and a wastewater collection system and failure to properly construct both the public water system and wastewater collection system. A civil penalty totaling \$10,800.00 was assessed with \$8,000.00 going towards Water Pollution Enforcement and \$2,800.00 going towards Drinking Water Enforcement.

Of the twenty-four (24) Consent Orders issued by EQC enforcement programs during the reporting period, twenty-two (22) have either complied with the Order requirements or are currently in compliance with schedules required in those Orders.

Submitted by:

Robert W. King, Jr., P.E.
Deputy Commissioner
Environmental Quality Control